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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,033	07/15/2003	Hans-Egon Brock	71057	7532

7590 09/24/2004

## McGLEW AND TUTTLE

John Janes McGlew  
Scarborough Station  
Scarborough, NY 10510-0827

EXAMINER
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HONG, JOHN C

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/620,033	<b>Applicant(s)</b> BROCK, HANS-EGON	
	<b>Examiner</b> John C. Hong	<b>Art Unit</b> 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/15/03</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: page 4, line 5, "He" should be -- The--.

Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the In Claims 8 and 9, precision forging using ... bar stock" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

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and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, line 3, "said hot forming" lacks antecedent basis.

Claim 3, line 3, second "a bar stock" is double inclusion. It should be -- the bar stock--.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 10-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by SU617144.

'144 discloses a process for manufacturing rhomboidal blades for axial turbo engines, the blades having a blade footing of a rhomboidal cross section and a blade body, the process comprising the steps of hot rolling a bar-shaped input stock up to a cross section having a shape of a rhomboid adapted to a shape of the cross section of the rhomboidal blade footing and being larger on all sides than a maximum cross section of the blade only by a minimum oversize for

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machining of 1 to 3 mm; cutting the bar-shaped input stock into blanks having a length corresponding to a length of the blade increased by clamping ends necessary for machining; forming the blade footing and the blade body by machining the blank (See Abstract and translation).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over SU617144 in view of Benedetti (U.S. Patent 6,783,612).

'144 teaches the limitations as claimed above with the exception of the step of hot rolling on a mill train with rollers that are calibrated to the bar stock cross section.

Benedetti teaches the step of hot rolling on a mill train with rollers that are calibrated to the bar stock cross section (col. 1, lines 41-53).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ the step of hot rolling on a mill train with rollers that are calibrated to the bar stock cross section, as taught by Benedetti on the method of '144 so as to manufacture fine product of bar stock .

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over SU617144.

'144 teaches the limitations as claimed above with the exception of hot forming includes drop forging or press forging a rhomboidal bar in a multi-part hollow mold by pressure.

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But Official Note is taken that employing the step of hot forming includes drop forging or press forging a bar in a multi-part hollow mold by pressure is well known in the art and it would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ this step on the method of '144 so as to manufacture a bar stock for further machining.

10. Claims 8,9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over SU617144 in view of JP04277642.

'144 teaches the limitations as claimed above with the exception of hot forming includes precision forging using a two-part die open on two sides and having said bar stock cross section, said precision forging is performed by stretching of said bar stock by a serial application of pressures with one of pressing strips, pressing paths or web extending at right angles to a longitudinal axis of said bar stock.

'642 teaches the step of hot forming includes precision forging using a two-part die open on two sides and having said bar stock cross section, said precision forging is performed by stretching of said bar stock by a serial application of pressures with one of pressing strips, pressing paths or web extending at right angles to a longitudinal axis of said bar stock (See Abstract)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ the step of hot forming includes precision forging using a two-part die open on two sides and having said bar stock cross section, said precision forging is performed by stretching of said bar stock by a serial application of pressures with one of pressing strips, pressing paths or web extending at right angles to a longitudinal axis of said bar stock, as taught

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by '642 on the method of '144 so as to manufacture a fine product of bar stock for further machining.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John C. Hong whose telephone number is 703-305-0779. The examiner can normally be reached on M-F(07:00-16:30)First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1784. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John C. Hong  
Primary Examiner  
Art Unit 3726

jh  
September 19, 2004